

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES DISTRICT COURT **Jul 09, 2018**
EASTERN DISTRICT OF WASHINGTON SEAN F. MCAVOY, CLERK

KENNETH KLUTH and STEPHEN
SCHENK,

Plaintiffs,

v.

SANTANDER CONSUMER USA INC.,
and AUTO TRACKERS AND
RECOVERY NORTH, LLC,
Defendants.

NO. 1:17-cv-03149-SAB

**JURY TRIAL SCHEDULING
ORDER**

**JURY TRIAL SCHEDULED FOR
NOVEMBER 5, 2018**

Before the Court is the parties' Stipulation to Continue Trial and Pre-trial Deadlines, ECF No. 44. The parties have scheduled a mediation and also need additional time to conduct discovery. Good cause exists to grant the Stipulation.

Accordingly, **IT IS ORDERED:**

1. The parties' Stipulation to Continue Trial and Pre-trial Deadlines, ECF No. 44, is **GRANTED**.

2. The Court's Scheduling Order, ECF No. 28, is amended as follows:

* * *

TRIAL DATES

4. Jury Trial. The jury trial shall commence on **November 5, 2018 at 9:00 a.m.** in **SPOKANE**, Washington.

1 **5. Pretrial Conference.** An in-person pretrial conference will be held on
2 **October 17, 2018, at 1:30 p.m. in SPOKANE, Washington.**

3 * * *

4 **DISCOVERY DEADLINES**

5 **8. Discovery.**

6 *A. Discovery Deadline.* The discovery deadline is extended to August 17,
7 2018, for the sole purpose of deposing defendant Santander Consumer USA
8 Inc.'s CR 30(b)(6) representative Jodie Kelch.

9 * * *

10 **MOTION DEADLINES**

11 **12. Motions *in Limine*.**

12 *A. Motions in Limine:* shall be filed and served on or before **September**
13 **24, 2018.**

14 *B. Responses:* shall be filed and served on or before **October 1, 2018.**

15 *C. Replies:* shall be filed and served on or before **October 8, 2018.**

16 *D. Notation:* Motions *in limine* shall be noted for hearing at the pretrial
17 conference.

18 **TRIAL PREPARATION DEADLINES**

19 **13. Exhibit and Witness Lists.**

20 *A. Exhibit Lists and Witness Lists:* shall be filed and served and exhibits
21 made available for inspection (or copies provided), on or before **October 1,**
22 **2018.**

23 * * *

24 *D. Objections:* Objections to the opposing party's witness list or exhibit
25 list and any accompanying briefs shall be filed and served on or before
26 **October 8, 2018.**

27 *E. Responses:* Responses, if any, to objections shall be filed and served
28 on or before **October 15, 2018.**

1 **14. Pretrial Exhibit Stipulation.**

2 A. *Stipulation*: The parties shall prepare a pretrial exhibit stipulation that
3 shall contain each party's numbered list of all trial exhibits with the opposing
4 party's objections to each exhibit, including the basis of the objection and
5 the offering party's brief response. All exhibits to which there is no objection
6 shall be deemed admitted, subject to any objections at trial that could not be
7 raised in advance.

8 B. *Deadline*: The pretrial exhibit stipulation shall be filed on **October 15,**
9 **2018.**

10 C. Objections to witness and exhibits shall be heard at the pretrial
11 conference.

12 **15. Designation of Testimony.**

13 The parties shall notify the Court on or before **September 24, 2018**
14 whether deposition testimony will be used at trial. The Court will then
15 schedule a hearing to review all designated testimony and objections so that
16 a final edited version of the deposition testimony can be prepared for trial.

17 **16. Pretrial Order.**

18 A. *Deadline*: A joint Pretrial Order, prepared in accordance with the
19 format provided in Local Rule 16.1(b), shall be filed on or before **October**
20 **15, 2018** and a copy e-mailed in Word format to the Court at
21 bastianorders@waed.uscourts.gov.

22 * * *

23 **17. Trial Briefs and Proposed Voir Dire.** Trial briefs and voir dire shall be
24 filed by **October 11, 2018.**

25 **18. Jury Instructions.** No later than **October 11, 2018**, the parties shall file
26 jointly proposed jury instructions.

27 3. The hearing on Defendant Santander Consumer USA, Inc.'s Motion for
28 Summary Judgment, ECF No. 39 is **continued** to September 21, 2018, without oral

1 argument. Plaintiff's opposition papers shall be due on **August 24, 2018**, and
2 Defendant's reply papers, if any, shall be due on **September 7, 2018**.

3 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter
4 this Order and to provide copies to counsel.

5 **DATED** this 9th day of July 2018.
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Stanley A. Bastian

Stanley A. Bastian
United States District Judge